

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

LEILONI POPOALII,)
Plaintiff,)
v.) Case No. 05-04120-CV-C-NKL
CORRECTIONAL MEDICAL)
SERVICES, INC., et al.,)
Defendants,)

ORDER

Pending before the Court are Plaintiff's Motion for Default Judgment as to Defendant Health Professionals, Ltd. [Doc. # 83], and Plaintiff's Motion for the Clerk to Enter a Judgment of Default against Defendant Health Professionals, Ltd. [Doc. # 84]. Plaintiff filed a Complaint for damages on April 19, 2005. The Summons and Complaint were served upon Health Professionals, Ltd., on May 26, 2005. Under Fed. R. Civ. P. 12, Health Professionals' responsive pleading was due on or before June 15, 2005. Health Professionals has failed to file a responsive pleading to Plaintiff's Complaint. On October 19, 2005, the Court issued an Order to Show Cause [Doc. # 82] why Plaintiff's Motion for Default Judgment should not be granted. Health Professionals has not responded. Thus, the Court finds Defendant Health Professionals, Ltd., in default under Fed. R. Civ. P. 55, and will schedule a hearing to determine damages and an appropriate

time. Because damages have not yet been determined, entry of a Clerk's Judgment is premature at this time.

Accordingly, it is hereby

ORDERED that Plaintiff's Motion for Default Judgment as to Defendant Health Professionals, Ltd. [Doc. # 83], is GRANTED, with a hearing to determine damages to be set at an appropriate later date; and it is further

ORDERED that Plaintiff's Motion for the Clerk to Enter a Judgment of Default against Defendant Health Professionals, Ltd. [Doc. # 84], is DENIED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: November 15, 2005
Jefferson City, Missouri